REMARKS

Claims 1-25 are pending in the application.

Applicant respectfully submits that entry of the currently amended claims is proper because the currently amended claims will either place the application in condition for allowance or in better form for appeal. Applicant further respectfully submits that no new matter is added to the currently amended claims, nor has the scope of the pending claims changed. Accordingly, no new issues are raised that necessitate a further search of art.

As a convenience to the Examiner, Applicant respectfully submits the dependent claims 2-9, 11-17, 19-22, 24, and 25 are currently amended to merely fully define the scope of the dependency of the claims. Independent claims 1, 10, 18, and 23 are not currently amended. Claims 1, 2, 4, 6-12, 14-21, and 23-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Co. 6,625,457 to Raith.

Claims 3 and 22 stand rejected under 35 U.S.C. §103(a) as unpatentable over Raith in view of U.S. Patent No. 6,549,768 to Fraccaroli.

Claims 5 and 13 stand rejected under 35 U.S.C. §103(a) as unpatentable over Raith in view of U.S. Patent No. 6,127,945 to Mura-Smith.

Applicant respectfully traverses the rejections based on the following discussion.

I.   **The Prior Art Rejections**

    A.   **The 35 U.S.C. §102(e) Rejection as Anticipated by Raith**

        1.   **The Raith Reference**

Raith illustrates Fig. 4 and discloses a procedure that displays a location specific information in response to a change in the position of the mobile terminal 100. The procedure may be started automatically be an initialization procedure when the mobile terminal 100 is first turned on or may be started manually by the user (block 400). The mobile terminal 100 periodically determines its current location (block 402). After determining its current location, the mobile terminal 100 compares its new location to a previous location, which may be stored

in memory (block 404), and determines whether predetermined change criterion has been met (block 406). The change criterion may simply be a distance threshold from a previously stored location, or may be a change from one defined location geographical area to another, if area definitions are used. The particular change criterion is not material. (col. 5, line 55 to col. 6, line 2).

Raith also discloses that the location data in the location database may reference pre-defined geographic areas, referred to as area definitions, stored in the mobile terminal 100, either as part of the location database or as part of some other database. The defined geographic areas may, for example, comprise countries, states, counties, cities, or other useful geographical areas. The geographic areas defined in the location database may include sub-areas. For example, the areas defined may include countries, the states or provinces within each country, and the counties within each state or province. (col. 4, line 65 to col. 5, line 8, which is cited by the Office Action on page 3, line 7, page 4, line 14, and page 6, line 1).

Raith further discloses if the user requests a list of hotels in the locality of the mobile terminal 100, the mobile terminal 100 could query the location database to return a list of hotels and then reduce the list by comparing the associated location data with the current location of the mobile terminal 100. A list of hotels within a predetermined distance (which could be preprogrammed) of the current location of the mobile terminal 100, or within the same geographical area, would be sent to the display 110). (Col. 4, lines 28-36, which is cited by the Office Action on page 3, line 15, and page 5, line 1).

Independent claims 1, 10, and 23 recite in relevant part,

"sorting, within said CWC, said personal user information in a shortest-distance-first order based on said location of said CWC and said location identifiers". (emphasis added).

Similarly, independent claim 18 recites in relevant part,

"a session manager within said CWC, whereby said personal user information is sorted by said session manager in a shortest-distance-first order based on said location of said CWC and said location identifiers". (emphasis added).

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The present invention describes the above-emphasized feature of "a shortest-distance-first order" at several locations throughout the Specification. Page 3, line 6-8 of the Specification describe "sorting the document database in <u>a location-dependent order by calculating a distance between the user's location and the location identifiers associated with the datum in the document database</u>". (emphasis added). Page 9, lines 5 of the Specification describe "The Presenter 150 is responsible for retrieving documents from the Document Database 130, and arranging them in a location-dependent order for presentation to the user. It does this by <u>calculating the distance between the user's current location (retrieved from the Location Tracking Database) (step 3) and the location information associated with each document</u> (retrieved from the Document Database 130) (step 4)". (emphasis added). Page 9, lines 6-11 of the Specification describes "<u>The distance is a metric</u> expressed in either a physical dimension (miles, degrees longitude/latitude) or logical dimension (number of street blocks, number of network hops). <u>Once the documents are retrieved from the Document Database 130, they are sorted according to distance</u> and presented to the user (step 5)." (emphasis added).

In contrast, <u>Raith never calculates a distance between his mobile terminal and a set of location data in order to sort according to distance,</u> as does the present invention. At best, Raith may present (his example) a list of hotels within a predetermined distance. However, Raith's list of hotels within the predetermined distance is not presented in a shortest-distance-first order based on the location of his mobile terminal and his location data. For example, if Raith's mobile terminal were located at Union Station in Washington, DC and the predetermined distance or listing hotels were 10 miles, the user would have no idea whether the Willard Hotel was closer to Union Station than the Ritz-Carlton Hotel, because the predetermined distance used is only a threshold and not a metric for each location datum.

Instead, Raith discloses a listing of location data based on predefined geographic areas comprising, for example, countries, states, counties, cities, or other useful geographical areas. Within a predefined geographic area, even one with a predetermined distance, Raith does not disclose how the location data within such a predefined geographic area are to be ordered.

For at least the reasons outlined above, Applicant respectfully submits that Raith does not disclose, teach or suggest the feature of "sorting, within said Client Wireless Component, said personal user information in a shortest-distance-first order based on said location of said Client Wireless Component and said location identifiers", as recited in independent claims 1, 10, and 23, and similarly recited in independent claim 18. Accordingly, Raith does not anticipate, or render obvious, every feature of independent claims 1, 10, 18, and 23, and dependent claims 2-9, 11-17, 19-22, 24, and 25, under 35 U.S.C. §102(e). Withdrawal of the rejection of claims 1, 2, 4, 6-12, 14-21, and 23-25 as anticipated by Raith under 35 U.S.C. §102(e) is respectfully solicited.

B.   The 35 U.S.C. §103(a) Rejection as Unpatentable over Raith in view of Fraccaroli

1.   The Fraccaroli Reference

The Office Action asserts that Fraccaroli teaches where the determining of the location of the Client Wireless Component includes accessing an area code of a local wireless cellular network (col. 14, line 66 to col. 15, line 3). (Office Action, page 8, line 5-8).

Fraccaroli describes in claim 31 (cited by the Office Action), "wherein the matching engine repeatedly attempts to match the profile of said mobile one portion with the profile of another mobile station in said circular area centered at the location of said one mobile station be iteratively increasing the radius of said circular area centered at the location of said mobile station until a match is found." (col. 13, line 67 to col. 14, line 5).

Fraccaroli does not cure the deficiencies of Raith discussed above. Nowhere does Fraccaroli disclose, teach or suggest the present invention's claimed feature of "sorting, within said Client Wireless Component, said personal user information in a shortest-distance-first order based on said location of said Client Wireless Component and said location identifiers".

Instead, Fraccaroli, discloses matching profiles among a plurality of users of a network, in which a matching engine may match a profile of a user by iteratively increasing the radius of a circular area of inquiry until a match is found.

For at least the reasons outlined above with respect to the rejection of claims 1, 2, 4, 6-12,

14-21, and 23-25 over Raith, and immediately above with respect to the rejection is claims 3 and 22 over Raith and Fraccaroli, Applicant submits that Raith and Fraccaroli, either individually or in combination, do not disclose, teach, or suggest the feature of "sorting, within said Client Wireless Component, said personal user information in a shortest-distance-first order based on said location of said Client Wireless Component and said location identifiers", as recited in independent claim 1 and similarly recited in independent claim 18. Accordingly, Raith and Fraccaroli, either individually or in combination, do not render obvious the subject matter of independent claims 1 and 18, and dependent claims 3 and 22 under 35 U.S.C. 103(a). Withdrawal of the rejection of claims 3 and 22 under 35 U.S.C. 103(a) as unpatentable over Raith in view of Fraccaroli is respectfully solicited.

C. The 35 U.S.C. §103(a) Rejection as Unpatentable over Raith in view of Mura-Smith

1. The Mura-Smith Reference

The Office Action asserts that Mura-Smith teaches where storing the location into the Client Wireless Component by inputting the location in a location tracking database that stores both the location and a timestamp (col. 9, lines 38-44). (Office Action, page 8, lines 19-21).

Mura-Smith discloses that his personal navigation device may provide a trail back to an origin. In such an instance, a user venturing out on a route periodically engages the navigation recording key of navigation controls 14 as the user travels along the route. As the locations are stored, the locations are also time-stamped. (col. 9, lines 39-44, which is cited by the Office Action).

Mura-Smith does not cure the deficiencies of Raith discussed above. Nowhere does Mura-Smith disclose, teach or suggest the present invention's claimed feature of "sorting, within said Client Wireless Component, said personal user information in a shortest-distance-first order based on said location of said Client Wireless Component and said location identifiers".

Instead, Mura-Smith discloses time stamping locations along a route, so that a user may return to an origin.

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For at least the reasons outlined above with respect to the rejection of claims 1, 2, 4, 6-12, 14-21, and 23-25 over Raith, and immediately above with respect to the rejection of claims 5 and 13 over Raith and Fraccaroli, Application respectfully submits that Raith and Mura-Smith, either individually or in combination, do not disclose, teach or suggest the feature of "sorting, within said Client Wireless Component, said personal user information in a shortest-distance-first order based on said location of said Client Wireless Component and said location identifiers", as or in combination, do not render obvious the subject matter of independent claims 1 and 10, and dependent claims 5 and 13 under 35 U.S.C. 103(a). Withdrawal of the rejection of claims 5 and 13 under 35 U.S.C. 103(a) as unpatentable over Raith in view of Mura-Smith is respectfully solicited.

II.   Formal Matters and Conclusion

Claims 1-25 are pending in the application.

Applicant respectfully submits that entry of currently amended claims 2-9, 11-17, 19-22, 24, and 25 is proper because the currently amended claims will either place the application in condition for allowance or in better form for appeal.

With respect to the rejections of the claims over the cited prior art, Applicants respectfully argue that the present claims are distinguishable over the prior art of record. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-25, all the claims presently pending in the application, are patentably distinct from the prior art of records and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest time possible.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

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Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

Dated: <u>November 7, 2007</u> /Peter A. Balnave/

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